



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 13

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SEP 8 2003

In re Application of:	:	
AHN <i>et al.</i>	:	
Application No. 09/817,447	:	DECISION ON PETITION
Filed: March 26, 2001	:	
Attorney Docket No. 303.459US2	:	

This is a decision on the petition, filed on March 07, 2003, under 37 C.F.R. § 1.181, to withdraw the holding of abandonment of the above-identified application. No fee is required.

The petition is **GRANTED**.

A final Office action was mailed on May 06, 2002. A proposed response to the final Office action was filed on July 15, 2002. An advisory action was mailed on January 28, 2003. The application was held abandoned for failure to file a proper reply to the Office letter mailed on May 06, 2002. A Notice of Abandonment was mailed on February 25, 2003.

Petitioner asserts that in a communication with the examiner on August 12, 2002, agreement was reached that the finality of the previous office action would be withdrawn, the after final amendment filed July 15, 2002, would be entered and the examiner would issue a new Office action. Petitioner asserts that this agreement was again confirmed with the examiner on November 06, 2002.

A review of the written record reveals an Interview Summary form from the examiner, the contents of which corroborate the assertions made by Petitioner above. As such, the examiner improperly communicate to the applicant that a response or further action, on the part of the applicant, would not be necessary. In fact, the applicant was not properly informed that the examiner had changed positions until 3 months after the end of the maximum extendable shortened statutory period to respond to the final rejection had expired.

For the above stated reasons, the petition is granted. The Notice of Abandonment is hereby

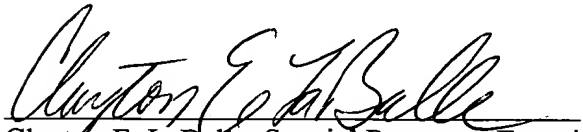
Decision on Petition to Withdraw Holding of Abandonment

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vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application will be forwarded to the examiner for issuance of new Office action.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (703) 308-0519.



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